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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,154	11/20/2003	Pierre Nobs	36240	9002

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,154

Applicant(s)

NOBS, PIERRE

Examiner

Sean Kayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 14 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must be in the alternative form only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

3. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is inherent that alphanumeric display is capable of displaying graphical symbols. An alphanumeric character is a graphical symbol.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Computer program." (See MPEP 2106.)

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Will (US 5477508.)

8. With respect to claim 1 Will discloses a digital watch, comprising a digital display (P1, picture I.), said display comprising a first line of alphanumeric characters (P2) and a second line of alphanumeric characters (P3), said watch further comprising control means (microprocessor 20, figure 3a, also shown in picture II. as P4) for keeping and displaying the current time on said digital display and an interface device (P5, picture III.) sensitive to axial pressure and to rotation around its axis and connected to said control means (Interface device is sensitive to axial pressure resulting from rotation, rotation, and linear pressure. Linear pressure exerted on device axial is translated to sensor P10.)

i.

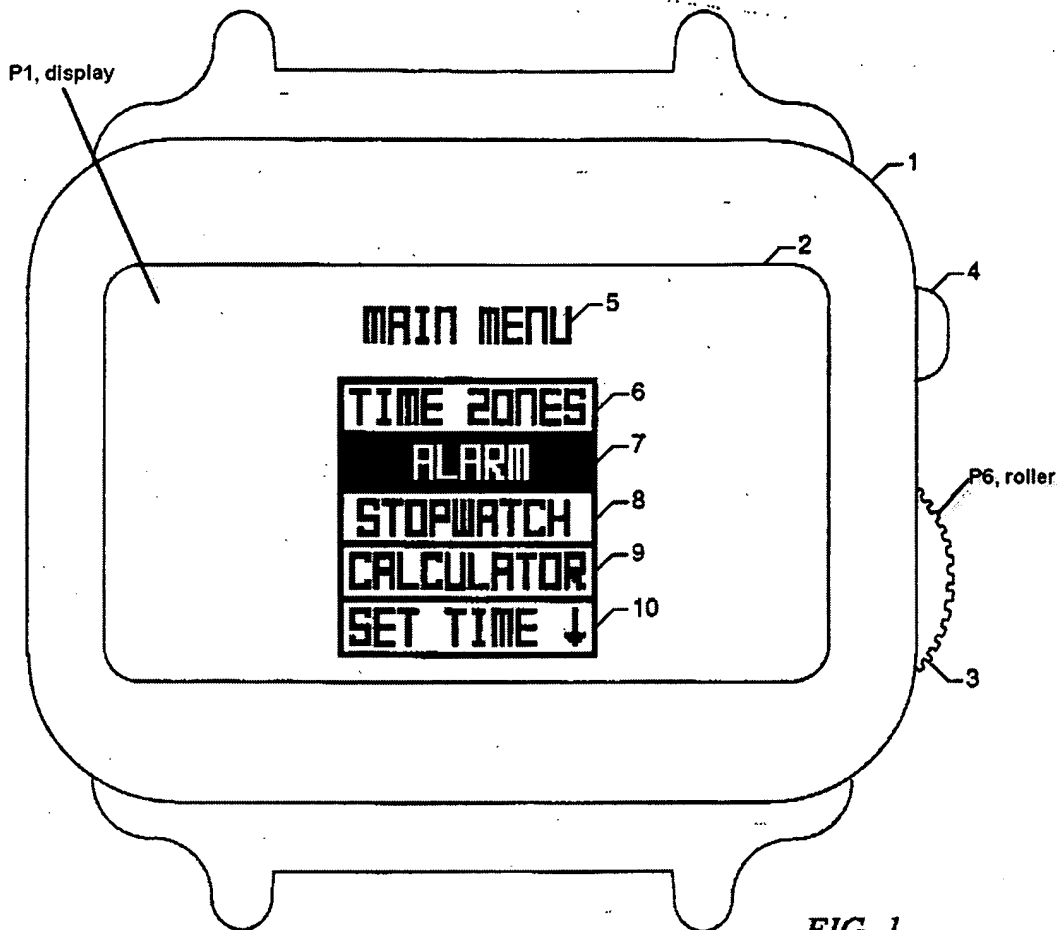


FIG. 1

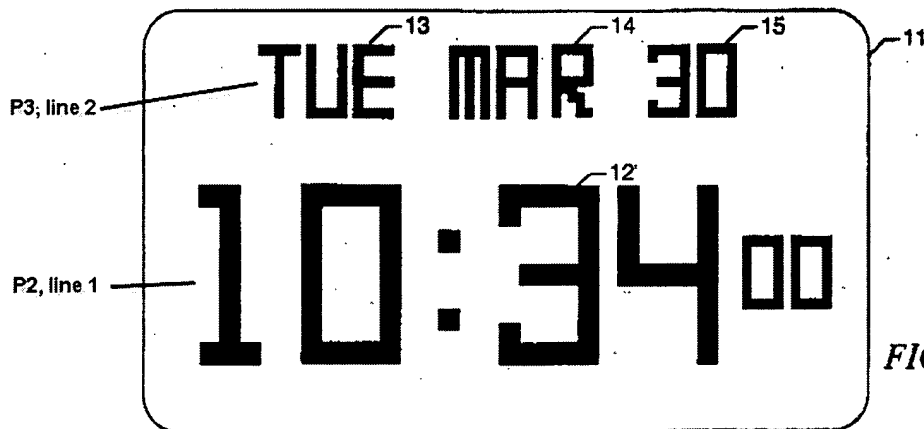
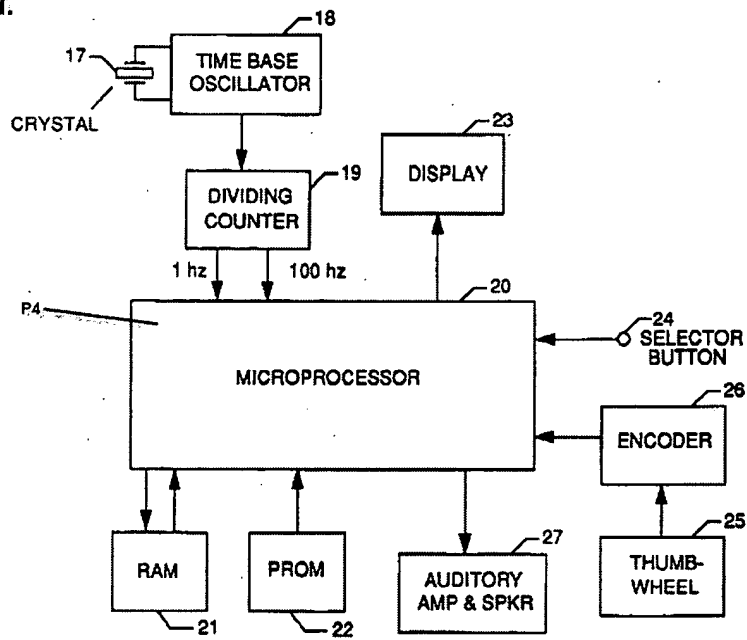


FIG. 2

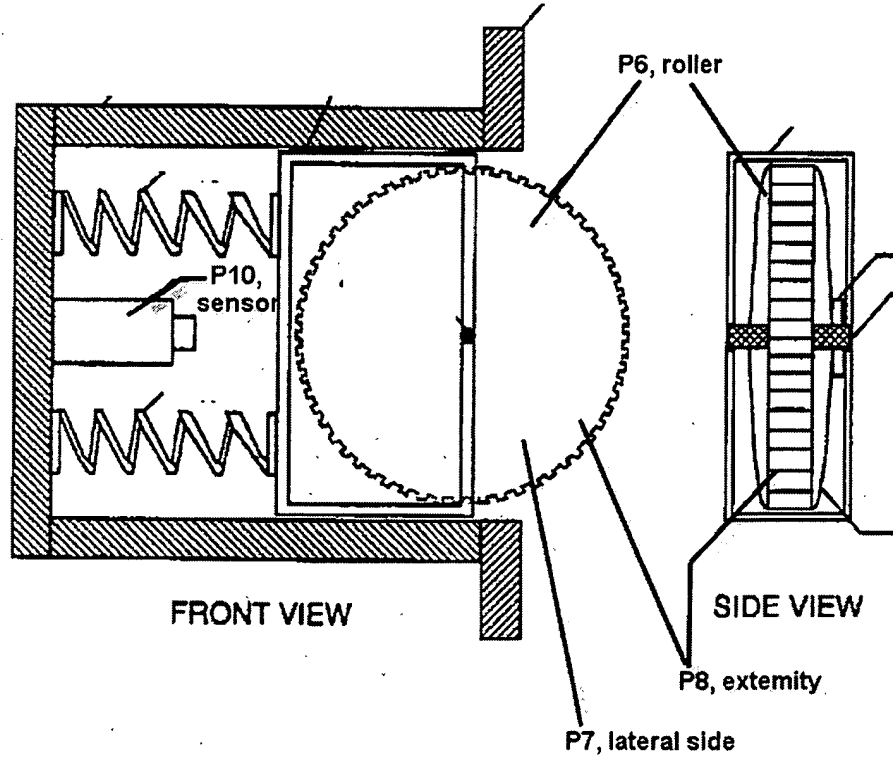
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II.



III.

P5, interface device



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9. With respect to claim 2 Will discloses the digital watch according to the claim 1, wherein said control means are arranged to supply a plurality of functions (see picture I.) and wherein the current time is always displayed on said first line of alphanumeric characters and the indications relative to said functions are optionally displayed on said second line of alphanumeric characters (functional language fails to distinguish over Will.)

10. With respect to claim 3 Will discloses the digital watch according to claim 1, wherein said interface device is a roller (P6, picture III.) fastened on the face side of said watch, so as to be capable of turning around its axis, said roller having at least one sector of its lateral surface (P7) accessible for allowing a rotation to be communicated with a finger tip, said roller (P6) having an extremity (P8) accessible for allowing an axial pressure to be exerted with a finger tip.

11. With respect to claim 4 Will discloses the digital watch according to claim 2, wherein said functions comprise a standard display mode and at least one additional mode from among: calendar (displayed on line 2, P3, of picture I.), alarm (7, picture I.), countdown, second time zone (6, picture I.) and chronograph (8, picture I.).

12. With respect to claim 5 Will discloses the digital watch according to claim 4, comprising at least one time zone function (6, picture I.) for keeping and displaying the time of an auxiliary time zone and the time of a main time zone, wherein said time zone function comprises a second display option wherein said time of an auxiliary time zone is displayed on said first line of alphanumeric

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characters and said time of a main time zone is displayed on said second line of alphanumeric characters (fig 9b.)

13. With respect to claim 6 Will discloses the digital watch according to claim 5, comprising an alarm function (7, picture I.), wherein the alarm is triggered according to said time of a main time zone when said second display zone is inactive and the alarm is triggered according to said time of an auxiliary time zone when said second display option is active (functional language fails to distinguish over Will.)

14. With respect to claim 7 Will discloses the digital watch according to claim 1, wherein said control means (P5, picture II.) are capable of discriminating between a short pressure and a prolonged pressure on said interface device (a microprocessor is capable of distinguishing between a long duration signal from a sensor and a short duration signal from a sensor.)

15. With respect to claim 8 Will discloses the digital watch according to claim 2, wherein all the parameter definitions and the function selection are performed only by rotation and pressure of said interface device (Figure 6 discloses an embodiment in which interface device P5 is the sole means of selection and user input.)

16. With respect to claim 9 Will discloses a method of management and control of a watch according to claim 2, comprising the steps of: reacting to the rotation of said interface device by selecting in a cyclical fashion an operating mode from among a set of operating modes (figure 1), each of said operating modes corresponding to one of said functions supplied by the control

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module (figure 1 and figures 9a-11j); displaying the indications relative to the function corresponding to the selected operating mode on said second line of alphanumeric characters (items 142 fig 11b, 163 fig 11e, and 152 fig 11d.)

17. With respect to claim 10 Will discloses the method according to claim 9, wherein at least one of said operating modes comprises a subsidiary definition mode and reacts to pressure exerted on said interface device (P5) by activating said subsidiary definition mode (figure 11e and 11f show an operating mode with a subsidiary definition mode and figure 6 shows an embodiment wherein interface device 36, P5 picture III, is the only means of input/selection.)

18. With respect to claim 11 Will discloses the method according to claim 10, wherein said at least one operating mode comprising a subsidiary definition mode reacts to a prolonged pressure exerted on said interface device by activating said subsidiary definition mode (Will's invention would react the same to a prolonged pressure as it would to a short pressure exerted on said interface.)

19. With respect to claim 12 Will discloses the method according to claim 9, wherein at least one of said operating modes is adapted for keeping and displaying the time of an auxiliary time zone (fig 9b) and the time of a main time zone and reacts to pressure exerted on said interface device by activating a second display option, in which said time (65, fig b) of an auxiliary time zone is displayed on said first line of alphanumeric characters and said time of a main time zone (63, figure 9b) is displayed on said second line of alphanumeric characters (this transition may be obtained by changing the primary time to the

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separate time zone through the set time and set time zone diff menus, using interface device P5.)

20. With respect to claim 13. Method according to claim 12, wherein one of said operating modes is an alarm mode (fig 10c) for triggering an acoustic signal at a predetermined alarm time, wherein said signal is triggered according to said time of a main time zone when said second display option is inactive and said signal is triggered according to said time of an auxiliary time zone when said second display option is active (alarm functions according to the primary time. Primary time may be switched with the secondary time zone through inputs to the interface device in set time zone difference and set time menu options.)

21. With respect to claim 15 Will discloses the digital watch according to claim 1, wherein said display can also display graphical symbols (alphanumeric characters are graphical symbols.)

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wuthrich (US 4031341) discloses an interface device for a watch. The interface is sensitive to rotation and inward pressure on the axial.

Luce (US 4395134) discloses an interface device that is sensitive to rotation about its axis and to pressure on the axial. The rotation that Luce's invention is

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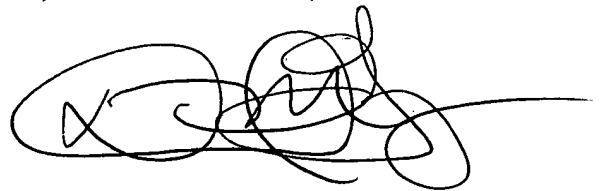
sensitive to is rotation relative to orientation relative to the structure, not rotation with a fixed orientation relative to the structure as disclosed by Wuthrich.)

Ehrsam (US 2001/0053109) also discloses an interface device similar to that disclosed by Luce.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Gray', with a long horizontal line extending to the right.

David Gray
Primary Examiner

SK
12/30/05